

## Jason Van Dyke

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**From:** Tom Retzlaff <retzlaff@texas.net>  
**Sent:** Thursday, April 12, 2018 4:12 PM  
**To:** Jason Van Dyke  
**Cc:** Kristin Brady; Tonya Harlan; Jessica Schulberg; John Council  
**Subject:** Re: Rule 26(f) Conference Letter

Does a "good faith attempt" mean that I can't respond by calling you a nigger or a Faggot or saying I am going to skin you alive and put you on my living room floor or talk about how I am going to murder you or your family with a .300 caliber Winchester rifle and shit like that? Because that seems to be your usual "negotiating" style, Van Dyke.

And, no, that clown dressed as a judge in state court did NOT deem my letters an answer. If so, why the fuck did he ORDER the clerk to serve me by substitute process via the Texas e-file system, dumb ass? Not even your lies make any sense. But when have they ever?

Secondly, there ain't gonna be a trial in front of any magistrate judge. This shit, assuming it survives my anti-SLAPP motion, assuming it survives my upcoming motion to dismiss for lack of personal jurisdiction, assuming it survives a motion to dismiss for failure to state a claim, assuming it survives a motion to transfer venue (if necessary), and a motion for summary judgment, and assuming it survives any appeal of any denial of my anti-SLAPP motion to the Fifth Circuit, is not going to be a bench trial. There will be a jury.

I don't even need to pack the jury with a bunch of members of the minority community to assure my victory, or even a bunch of liberals. No person on the planet is going to vote in your favor, let alone give you a \$100 million judgment - and all I need is ONE person.

Do you have any idea how many phone calls from "liberal" attorneys I have been getting the past 7 days wanting to take on this case for free, just for PR purposes?

FYI - a motion requesting the court to take Judicial Notice that "The Proud Boys" is a white supremacist hate group is already in route to the judge's desk as we speak.

Then what happens?

Your "Proud Boys" group is going to be just as much on trial here as you will be, dummy.

I've been doing this shit for over 25 years. I got probably 150 trials under my belt in courts all across the US. I am also a trained federal and state law enforcement officer who will grill you and your "Proud Boys" on the witness stand like fucking cheeseburgers. Juries like me.

And then how are your buddies going to feel about that as their entire personal and professional lives are laid bare in a federal court, and all of your social media posts, YouTube videos, and such are put on permanent record for the entire planet to see? That whole organization will be exposed, laid bare, and publicly ridiculed. And everyone of them will have you to blame. And then what happens, tough guy?

Talib Kweli is extremely excited about the opportunity to face you down in court and expose you for what you are. I won't even have to pay the dude's airfare!

Steve Tyler is not thrilled about having to testify, but what do you think he is going to say about you and exactly why you lost out on that job? You concealed from him relevant and material facts about your background!! Did you tell Steve about your membership in The Proud Boys, that you are their "general counsel" and official spokesman, or that they are a designated "hate group" by the US Government and the Southern Poverty Law Center?? No, you did not.

No District Attorney is going to hire a guy to work for him who also goes on twitter hollering about hanging niggers and killing faggots!!

And then there is Bob Karlseng of Texas Title Company. What do you think he is going to say? Do you think Bob is going to say, "yeah, I knew Van Dyke is a member of The Proud Boys and I'm totally cool with it." Or is he going to say, "I am shocked and appalled that Van Dyke is such a racist and I was disgusted to see his PUBLIC social media posts. We don't tolerate discrimination and neither do our customers."

I don't give two shits about what your "legal opinion" is about whether you think I filed an "answer" or whether that Texas court has established personal jurisdiction. You're a shitty attorney, Van Dyke, who tries to win via threats and intimidation. lol on how well that's working out here for you!

You lost your job because your a racist asshole who is in the public's eye as a public official (as an Asst DA) and as a member of the State Bar of Texas.

No federal judge is going to allow you to use his or her courtroom for your racist nonsense or butt-hurt rage. This case will be kicked in a few months at the most. By then, of course, you will be disbarred and that will be that because the State Bar of Texas has no choice but to dump your sorry ass or suffer consequences in the Court of Public Opinion. Nobody there is going to show any public support for a violent, misogynistic racist such as you - not if they want to keep their jobs, that is.

There won't be a trial. There will be a dismissal either for lack of personal jurisdiction or via the Texas Citizens Participation Act's anti-SLAPP law, or both.

Tom Retzlaff

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**From:** jason@vandykelawfirm.com  
**Sent:** April 12, 2018 1:23 PM  
**To:** retzlaff@texas.net  
**Subject:** Rule 26(f) Conference Letter

Dear Mr. Retzlaff:

We have been ordered by the Court to confer about a Rule 26(f) report. As you may be aware, the Court has ordered as follows: "Before drafting the Rule 26(f) Report, the Parties should consider settlement options, including whether an offer or demand should be made prior to filing his Rule 26(f) Report. The Parties should also consider whether he/she is amenable to trial before a United States magistrate judge. Parties willing to consent should file the appropriate form electronically (*see* form on Eastern District of Texas website) as soon as possible, so that the case can be reset for management conference before the magistrate judge to whom the case is assigned."

For conference purposes, please note as follows:

(1) I am of the opinion that settlement of this case is neither likely nor possible. I am also of the opinion that you will not negotiate settlement in good faith. Accordingly, I tender no settlement demand and object to mediation and any other form of alternative dispute resolution as a waste of time and resources.

(2) You have artfully claimed that you have not yet been served in this case, despite the fact that you filed a document constituting an “answer” in the state court case (since it met all of the requirements of Rule 83 of the Texas Rules of Civil Procedure) and you have invoked the jurisdiction of this court for your Anti-SLAPP motion. It is, therefore, my opinion that you have waived formal service of process in this case. A copy of my 2<sup>nd</sup> Amended Complaint was sent to you yesterday by U.S. Mail and an electronic copy is attached. Since I am sure you want your Anti-SLAPP motion heard in a timely manner, please let me know by what date you intend to file an answer to my Second Amended Complaint. If it is your position that you are entitled to formal service of process notwithstanding the fact that you have filed an Anti-SLAPP motion, please let me know if you are amenable to waiving formal service of process under Fed. R. Civ. P. 4.

(3) I am amenable to a bench trial before U.S. Magistrate Judge Nowak in this case.

(4) I will be sending you my disclosures under Rule 26(a)(1) either tomorrow or early next week. As the documents are voluminous, please expect a relatively large package.

(5) I do not propose any changes to the proposed scheduling order deadlines set forth in Appendix 1 to the Court’s “Order Governing Proceedings”

Please take note of the fact that your good faith attempt to confer on these issues is required by Rule 26(f)(2). A good faith attempt means that you will respond to this e-mail in a respectful and adult-like manner. I will not respond to further insults or idle threats.



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